



**RECORD AND STIPULATIONS**

The record considered by the Appeals Board and the parties' stipulations are listed in the Award.

**ISSUES**

Based upon the finding that claimant failed to prove he sustained permanent injury as a result of the December 16, 1992, work-related accident, the Administrative Law Judge denied claimant's request for certain medical and permanent partial disability benefits. The only issues before the Appeals Board on this review are: (1) the nature and extent of claimant's injury and disability; (2) whether claimant is entitled to payment of the outstanding expense incurred at the Young Chiropractic Clinic; and (3) whether claimant is entitled to future medical benefits.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After reviewing the entire record, the Appeals Board finds as follows:

The Award entered by the Administrative Law Judge should be affirmed.

The parties stipulated that on or about December 16, 1992, claimant sustained personal injury by accident arising out of and in the course of employment with respondent when he fell from the cab of his truck. The parties also stipulated that claimant has a 12.5 percent whole body functional impairment although it is denied that the work-related accident caused or contributed to that impairment. Claimant contends he permanently injured his low back and right knee as a result of the accident. However, respondent and its insurance carrier deny claimant injured his right knee or low back although they admit claimant may have temporarily injured his elbow.

The Appeals Board agrees with the Administrative Law Judge's analysis and conclusions. The Appeals Board also finds that claimant failed to prove he sustained either temporary or permanent injury to his right knee and low back as a result of the December 1992 work-related accident. Therefore, claimant's request for permanent partial disability benefits, future medical benefits, and payment of the outstanding chiropractic expense should be denied. The Appeals Board hereby adopts the Administrative Law Judge's extensive findings of fact and conclusions of law as set forth in the Award.

**AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award dated July 26, 1996, entered by Administrative Law Judge Bruce E. Moore, should be, and hereby is, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of February 1997.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: David O. Alegria, Topeka, KS  
Rex W. Henoch, Kansas City, KS  
David G. Shriver, McPherson, KS  
Bruce E. Moore, Administrative Law Judge  
Philip S. Harness, Director